

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

SAMUEL SANCHEZ,

Plaintiff,
v.

DECLARATION

19 CV 3567 (LGS)

NEW YORK STATE DEPARTMENT OF CORRECTIONS
AND COUNTY SUPERVISION, et al.

Defendants.

I, SUSAN G. CARTIER, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct.

1. I am currently employed as Director of the Bureau of Litigation, Division of Legal Affairs, New York State Department of Health (“the Department”).

2. I make this declaration based on personal knowledge, review of Department records, and conversations with Department staff. I am not a defendant in this action and submit this declaration in support of Defendants’ Motion to Dismiss the Complaint and Opposition to Plaintiff’s Motion for a Preliminary Injunction.

3. The Department and Commissioner Zucker are not proper parties in this litigation.

4. Executive Law § 259-S(2)(c), cited by Plaintiff, states that the Department of Corrections and County Supervision (“DOCCS”) “is **authorized to request assistance** from the [Department]” (emphasis added) regarding the development and implementation of an inmate’s medical discharge plan. Accordingly, the Department is only involved in an inmate’s medical discharge plan when DOCCS specifically requests assistance.

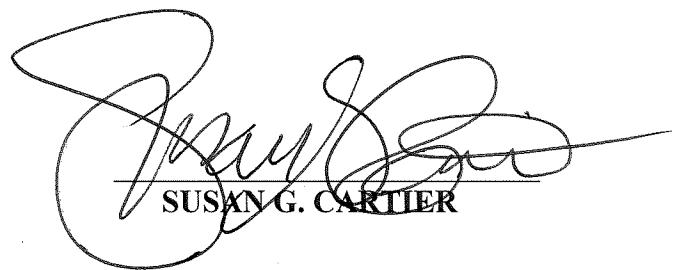
5. The Department has no record of receiving a request from DOCCS for assistance with a medical discharge plan for Plaintiff. I have been advised that on May 15, 2019, after this litigation was commenced, the Department was contacted by DOCCS requesting assistance identifying a facility that could accommodate Plaintiff's medical needs.

6. Department personnel are expected to meet shortly to determine what assistance, if any, the Department can provide to DOCCS in identifying a facility that could accommodate Plaintiff's medical needs.

7. Finally, even if involved in discharge planning, the Department does not have authority to secure housing for Plaintiff.

WHEREFORE, for the reasons stated in the attached Memorandum of Law and other submissions made herein, it is respectfully submitted that this Court should dismiss this action as against the Department and Commissioner Zucker in its entirety and deny Plaintiff's Motion for a Preliminary Injunction as against the Department and Commissioner Zucker.

Executed: Albany, New York
May 30, 2019



SUSAN G. CARTIER